

Senate File 8 - Introduced

SENATE FILE _____
BY HANCOCK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of restitution by a person
2 convicted of a criminal offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1009XS 82
5 jm/sh/8

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1 1 Section 1. Section 627.6A, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Notwithstanding the provisions of section 627.6, a
1 4 debtor shall not be permitted to claim exemptions with regard
1 5 to payment or a portion of payment under a pension, annuity,
1 6 individual retirement account, profit-sharing plan, universal
1 7 life insurance policy, or similar plan or contract due to
1 8 illness, disability, death, age, or length of service for
1 9 ~~child, spousal, or medical support.~~ the following:
1 10 a. Child support.
1 11 b. Spousal support.
1 12 c. Medical support.
1 13 d. Restitution ordered pursuant to chapter 910 while the
1 14 debtor is committed to the custody of the director of the
1 15 department of corrections and confined in a correctional
1 16 facility.
1 17 Sec. 2. Section 910.1, subsection 1, Code 2007, is amended
1 18 to read as follows:
1 19 1. "Criminal activities" means any crime for which there
1 20 is a plea of guilty, verdict of guilty, or special verdict
1 21 upon which a judgment of conviction is rendered and any other
1 22 crime committed after July 1, 1982, which is admitted or not
1 23 contested by the offender, whether or not prosecuted.
1 24 However, "criminal activities" does not include simple
1 25 misdemeanors under chapter 321, except for reckless driving
1 26 under section 321.277.

EXPLANATION

1 27 This bill relates to the payment of restitution by a person
1 28 convicted of a criminal offense.
1 29 Under the bill, payments under a pension or other similar
1 30 plan concerning illness, disability, death, age, or length of
1 31 service of a person confined in a state correctional facility
1 32 are subject to execution if restitution has been ordered
1 33 pursuant to Code chapter 910. Under current law, a person may
1 34 only execute a judgment against a pension or other related
1 35 plan of a person confined at a correctional institution, if
2 1 the judgment is for child, spousal, or medical support.
2 2 The bill also provides that restitution may be ordered
2 3 against a person who is convicted of the simple misdemeanor
2 4 criminal offense of reckless driving under Code section
2 5 321.277. Current law exempts all persons convicted of a
2 6 simple misdemeanor under Code chapter 321 from paying
2 7 restitution pursuant to Code chapter 910.
2 8 LSB 1009XS 82
2 9 jm:rj/sh/8
2 10